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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,464	09/29/2006	Masakazu Kuki	076376.0514	9392

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EXAMINER

UHLENHAKE, JASON S

ART UNIT	PAPER NUMBER
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2853

NOTIFICATION DATE	DELIVERY MODE
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03/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,464	Applicant(s) KUKI ET AL.	
	Examiner JASON S. UHLENHAK	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/29/2006; 11/1/2006; 9/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2-3 are objected to because of the following informalities: The Examiner cannot clearly distinguish the difference between “a slide groove (7b)” in claims 2 and 3. Is the slide groove in claim 3 the same slide groove claimed in claim 2? If the slide grooves are the same, then it would appear that “the support frame” (claim 3) and “the second holding member” (claims 2 and 3) are also the same, but called by different names. The applicant will need to distinguish the differences between the slide grooves, if any exist. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 14 recites the limitation "a second origin detection member" in Line 2. There is insufficient antecedent basis for this limitation in the claim. A second origin detection member is claimed, however a first origin detection member is not previously claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwatsuki et al (U.S. Pub. 2003/0197772).

Iwatsuki discloses:

- ***regarding claim 1***, an inkjet cloth printing apparatus provided with a print head capable of printing on work piece cloth (Abstract), characterized by:
 - a head moving mechanism (4) moving the print head (5) in a first direction;a cloth holder (11) holding a periphery of a printing area of the cloth on which the apparatus prints
- a holder moving mechanism (11a, 11b; Figure 1) feeding the cloth holder in a second direction below the print head (5), the second direction being perpendicular to the first direction; and a cloth passage defined below a movement space through which the cloth holder is moved in the second direction by the holder moving mechanism so as to allow movement of part of the cloth located outside the printing area and running out of the cloth holder (Paragraphs 0063-0064)
- ***regarding claim 2***, wherein the cloth holder includes a first holding member (12) and a second holding member (19) fitted with an outer part of the first holding member (12) and the second holding member (19) includes a slide groove (21) for position restriction which extends in the second direction and an apparatus body side is provided with an engaging member (15) engaging the slide groove (21) (Figures 1-3; Paragraphs 0012, 0070, 0080)
- ***regarding claim 3***, wherein the cloth holder (11) includes a first holding member (12) and a frame-shaped second holding member (19) which is disposed so as

to overlap an upper side of the first holding member (Figure 1) thereby holding the cloth, and the cloth holder is supported by a support frame (18) so as to be moved by the holder moving mechanism (11a, 11b), and wherein the support frame (18) includes a slide groove for position restriction which extends in the second direction and an apparatus body side includes an engaging member engaging the slide groove (Abstract; Paragraph 0070)

- **regarding claim 4**, wherein the support frame (18) is provided integrally with the second holding member (19) (Figure 2)
- **regarding claim 9**, a passage height adjusting unit for changing a height of the cloth passage (Figures 2-3; Paragraphs 0022)
- **regarding claim 10**, wherein the cloth holder includes a cloth accommodating member (13) capable of accommodating a part of the cloth in a folded state (Figures 4a-4d; Paragraph 0071)
- **regarding claim 11**, wherein the print head includes a plurality of rows of nozzles which are capable of injecting ink of a plurality of colors respectively and are arranged in the first direction (Paragraph 0066)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwatsuki et al (U.S. Pub. 2003/0197772) in view of Niimi (U.S. Pub. 2004/0179047)

Iwatsuki discloses all the claimed limitations above but does not expressly disclose the following:

- ***regarding claim 8***, wherein the holder moving mechanism includes a rack which is formed on the support frame so as to extend in the second direction, a pinion which is brought into mesh engagement with the rack and a drive motor which rotates the pinion

Niimi discloses:

- ***regarding claim 8***, wherein the holder moving mechanism includes a rack which is formed on the support frame so as to extend in the second direction, a pinion which is brought into mesh engagement with the rack and a drive motor which rotates the pinion (Figures 9-10; Abstract, Paragraphs 0084-0086)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Niimi into the device of Iwatsuki, for the purpose of ensuring excellent stability of the device

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwatsuki et al (U.S. Pub. 2003/0197772) in view of Matsumura (U.S. Pub. 2002/0109749)

Iwatsuki discloses:

- ***regarding claim 12***, a purging mechanism purging the print head (Paragraph 0066)

Iwatsuki does not disclose expressly the following:

- ***regarding claim 12***, a capping mechanism capping a head surface of the print head with a cap

Matsumura discloses:

- ***regarding claim 12***, a capping mechanism capping a head surface of the print head with a cap (Paragraph 0008)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Matsumura into the device of Iwatsuki, for the purpose of preventing ink from being evaporated and dried

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwatsuki et al (U.S. Pub. 2003/0197772) in view of Cook (U.S. Pub. 2002/0180821)

Iwatsuki discloses all the claimed limitations above, but does not disclose expressly the following:

- ***regarding claim 13***, a first origin detection member provided at the print head side and a first origin position setting unit provided at the apparatus body side for detecting the first origin detection member, thereby setting an origin position of the print head

Cook discloses:

- ***regarding claim 13***, a first origin detection member provided at the print head side and a first origin position setting unit provided at the apparatus body side for

detecting the first origin detection member, thereby setting an origin position of the print head (Figures 2-3; Abstract, Paragraphs 0030-0033)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Cook into the device of Iwatsuki, for the purpose of detecting print head position automatically (Paragraph 0012)

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwatsuki et al (U.S. Pub. 2003/0197772) in view of Okazawa et al (U.S. Pat. 5,172,138)

Iwatsuki discloses all the claimed limitations above, but does not disclose expressly the following:

- ***regarding claim 14***, a second origin detection member provided at the cloth holder side and a second origin position setting unit provided at the apparatus body side for detecting the second origin detection member, thereby setting an origin position of the cloth holder

Okazawa discloses:

- ***regarding claim 14***, a second origin detection member provided at a holder side and a second origin position setting unit provided at the apparatus body side for detecting the second origin detection member, thereby setting an origin position of a cloth holder (Figure 1; Column 3, Lines 9-29; Lines 47-56)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Okazawa into the device of

Iwatsuki, for the purpose of correctly positioning a movable member (Column 1, Lines 50-54)

Allowable Subject Matter

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the indication of allowable subject matter of claims 5-6 is the inclusion of the limitation of wherein the second holding member is made of a magnetic plate into a frame shape and the first holding member includes a magnet magnetically attracting the second holding member. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the indication of allowable subject matter of claim 7 is the inclusion of the limitation of wherein the holder moving mechanism includes a rack which is formed on the second holding member so as to extend in the second direction, a pinion which is brought into mesh engagement with the rack and a drive motor which rotates the pinion. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON S. UHLENHAKE whose telephone number is (571)272-5916. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
March 12, 2008

/Julian D. Huffman/
Primary Examiner, Art Unit 2853